

**REMARKS**

This is responsive to the Office Action of February 10, 2009. New claim 6 corresponds to claim 3, but depends from claim 2 rather than from claim 1. The claims are amended, without the introduction of new matter, so that claims 1-3 and 6 are drawn to pigment compositions, while claim 4 is drawn to an ink composition and claim 5 is drawn to a coating composition. Claims 1-6 are now pending in the application.

Claims 1, 4, and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,270,563 B1 (Herget) in view of US 5,830,446 (Berthiaume). Office Action, pages 2-3. Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Herget and Berthiaume and US 5,011,533 (Kuwajima). Office Action, pages 3-4. Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Herget and Berthiaume and US 3,878,139 (Takahashi) and US 2004/0024078 A1 (Itoh). Office Action, pages 4-5. All of these rejections are respectfully traversed.

The metallic pigment composition of the present invention is provided for preparing a UV metallic composition. Conventionally, when a UV metallic composition contains metal flake, the metal flakes promote the initiation of polymerization of UV monomers or UV oligomers, so that – problematically – the UV metallic composition forms a gel in a short period of time. Specification, page 1, lines 13-24.

The metallic pigment composition of the present invention solves the foregoing problem. This is accomplished by mixing the metal flakes and nitrocellulose in advance. The nitrocellulose is efficiently adsorbed on the surface of the metal flakes, which prevents the metal flakes from promoting initiation of polymerization. As indicated in lines 6-19 on page 11 of Applicants' specification, this beneficial effect cannot be achieved to the degree provided by the present invention by simply directly adding nitrocellulose to the UV metallic composition.

Herget does not disclose the problem that a UV metallic composition gels when it contains metal flakes. Berthiaume merely discloses formulations for manicures and the like. Berthiaume does not disclose the problem that a UV metallic composition gels when it contains metal flakes.


Neither of the primary references (Herget and Berthiaume) teaches or suggests causing nitrocellulose to be adsorbed on the surfaces of metal flakes to prevent gelation of a UV metallic composition. None of Kuwijima and Takahashi and Itoh remedies that deficiency of the primary references. The prior art of record fails to teach or to suggest "A metallic pigment composition for preparing a UV metallic composition, wherein said metallic pigment composition contains a metal flake and a nitrocellulose at a ratio in a range of the nitrocellulose 0.1 to 12 parts by mass to the metal flake 100 parts by mass and the nitrocellulose has an average polymerization degree in a range of 30 to 150 and a content of nitrogen atom in a range of 10.7 to 12.2% by mass, wherein said UV metallic composition is a UV metallic ink composition or a UV metallic coating material composition."

### Conclusion

Withdrawal of the rejection of record is in order and is earnestly solicited. If there are any questions concerning the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

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Respectfully submitted,

By  #28,781  
Charles Gorenstein  
Registration No.: 29,271  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant